

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2008-0005**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE SAN FRANCISCO BAY BASIN (BASIN PLAN) TO
ADOPT SITE-SPECIFIC OBJECTIVES FOR COPPER IN SAN FRANCISCO BAY

WHEREAS:

1. An updated Basin Plan was adopted by the San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board) on May 22, 2002, approved by the State Water Resources Control Board (State Water Board) on October 17, 2002, and approved by the Office of Administrative Law (OAL) on December 17, 2002.
2. On June 13, 2007, the San Francisco Bay Water Board adopted Resolution No. R2-2007-0042 ([Attachment](#)) amending the Basin Plan to establish site-specific objectives (SSOs) for copper in San Francisco Bay.
3. The San Francisco Bay Water Board found that the environmental documents of the draft amendment language, staff report, the California Environmental Quality Act (CEQA) checklist, and supporting documentation prepared by the San Francisco Bay Water Board staff complies with the requirements of the State Water Board's certified regulatory CEQA process, as set forth in the California Code of Regulations, Title 23, section 3775 et seq.
4. The San Francisco Bay Water Board found that adoption of this amendment would result in no adverse effect on wildlife, and the amendment would be consistent with the State Antidegradation Policy ([State Water Board Resolution No. 68-16](#)) and federal antidegradation requirements.
5. The State Water Board finds that the Basin Plan amendment is in conformance with the California Water Code (CWC) section 13240, which specifies that Regional Water Quality Control Boards may revise Basin Plans, section 13241, which specifies what needs to be considered when establishing water quality objectives, and section 13242, which requires a program of implementation of water quality objectives. The State Water Board also finds that the amendment is consistent with the requirements of the federal Clean Water Act section 303(c).
6. The Basin Plan amendment proposes chronic and acute copper SSOs to replace the existing California Toxics Rule (CTR) objectives (3.1 micrograms per liter [µg/L] chronic, and 4.8 µg/L acute). The proposed SSOs for Suisun Bay, San Pablo Bay, central bay, and lower bay north of the Hayward Shoals are 6.0 µg/L chronic and 9.4 µg/L acute, and, for the portion of lower bay south of the Hayward Shoals, are 6.9 µg/L chronic and 10.8 µg/L acute. These SSOs are necessary and appropriate because: (a) despite the performance of reasonable treatment, source control, and pollution prevention measures, effluent limits based on the current CTR objectives are not being consistently met; and (b) they are based on U.S. Environmental Protection Agency (USEPA) approved procedures for establishing SSOs.

7. The proposed SSOs are currently being met in San Francisco Bay and must be maintained. Therefore, the SSOs are supported by an implementation plan designed to prevent water quality degradation. The implementation plan satisfies the requirement for a program of implementation for achieving water quality objectives under CWC section 13242.
8. The Basin Plan amendment must be submitted for review and approval by the State Water Board, OAL, and USEPA. Once approved by the State Water Board, the amendment is submitted to OAL and USEPA. The Basin Plan amendment will become effective upon approval by OAL and USEPA. Additionally, for the SSOs to apply over the CTR criteria for copper, USEPA must also amend the CTR to remove the applicability of the CTR copper criteria in the San Francisco Bay, which the amendment can and should be done concurrently with USEPA approval of the Basin Plan amendment.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approve the amendment to the Basin Plan as adopted under San Francisco Bay Water Board [Resolution No. R2-2007-0042](#).
2. Authorizes the Executive Director or designee to submit the amendment adopted under San Francisco Bay Water Board [Resolution R2-2007-0042](#) to OAL for approval of the regulatory provisions and to USEPA for approval of the Basin Plan amendment.

CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 15, 2008.

AYE: Tam M. Doduc
Gary Wolff, P.E., Ph.D.
Frances Spivy-Weber
Charles R. Hoppin

NO: None

ABSENT: Arthur G. Baggett, Jr.

ABSTAIN: None



Jeanine Townsend
Clerk to the Board